

AN ACT

relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID ACUTE CARE AND CERTAIN TRANSFERS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$3,163,515,906 is appropriated out of the general revenue fund for the state fiscal year ending August 31, 2013, to the Health and Human Services Commission under Goal B, Medicaid, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of providing acute care services under the Medicaid program.

(b) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2013, the amount of \$265,316,377 is appropriated out of general revenue account number 5040, Tobacco Settlement, for the state fiscal year ending August 31, 2013, to the Health and Human Services Commission under Goal B, Medicaid, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of providing acute care services under the Medicaid program.

1 (c) In addition to amounts previously appropriated for the
2 state fiscal biennium ending August 31, 2013, the amount of
3 \$4,977,267,717 is appropriated out of federal funds for the state
4 fiscal year ending August 31, 2013, to the Health and Human Services
5 Commission under Goal B, Medicaid, as listed in Chapter 1355 (H.B.
6 1), Acts of the 82nd Legislature, Regular Session, 2011 (the
7 General Appropriations Act), for the purpose of providing acute
8 care services under the Medicaid program.

9 (d) Notwithstanding any limitation on transfer among items
10 of appropriation that is prescribed by Chapter 1355 (H.B. 1), Acts
11 of the 82nd Legislature, Regular Session, 2011 (the General
12 Appropriations Act), the Health and Human Services Commission may
13 transfer for the state fiscal year ending August 31, 2013, any
14 amount appropriated under Subsection (a), (b), or (c) of this
15 section among the following strategies specified in Chapter 1355
16 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the
17 General Appropriations Act), in the appropriations to the
18 commission:

- 19 (1) C.1.1, CHIP;
- 20 (2) C.1.4, CHIP Perinatal Services; and
- 21 (3) C.1.5, CHIP Vendor Drug Program.

22 (e) Notwithstanding any limitation on transfer among items
23 of appropriation that is prescribed by Chapter 1355 (H.B. 1), Acts
24 of the 82nd Legislature, Regular Session, 2011 (the General
25 Appropriations Act), the Health and Human Services Commission may
26 transfer for the state fiscal year ending August 31, 2013, any
27 amount appropriated under Subsection (a) or (c) of this section to

1 the Department of Aging and Disability Services and among the
2 following strategies specified in that Act in the appropriations to
3 the department:

- 4 (1) A.2.1, Primary Home Care;
- 5 (2) A.2.2, Community Attendant Services;
- 6 (3) A.2.3, Day Activity and Health Services (DAHS);
- 7 (4) A.3.1, Community-based Alternatives (CBA);
- 8 (5) A.3.2, Home and Community-based Services (HCS);
- 9 (6) A.3.3, Community Living Assistance and Support
10 Services (CLASS);
- 11 (7) A.3.4, Deaf-Blind Multiple Disabilities (DBMD);
- 12 (8) A.3.5, Medically Dependent Children Program
13 (MDCP);
- 14 (9) A.3.7, Texas Home Living Waiver;
- 15 (10) A.5.1, Program of All-Inclusive Care for the
16 Elderly (PACE);
- 17 (11) A.6.1, Nursing Facility Payments;
- 18 (12) A.6.2, Medicare Skilled Nursing Facility;
- 19 (13) A.6.3, Hospice;
- 20 (14) A.6.4, Promoting Independence by Providing
21 Community-based Services;
- 22 (15) A.7.1, Intermediate Care Facilities - for
23 Persons w/ MR (ICF/MR); and
- 24 (16) A.8.1, State Supported Living Centers.

25 (f) An amount transferred to a strategy under Subsection (d)
26 or (e) of this section may not exceed the sum of the amounts
27 transferred from that item of appropriation for cash flow purposes

1 made under the following provisions in Chapter 1355 (H.B. 1), Acts
2 of the 82nd Legislature, Regular Session, 2011 (the General
3 Appropriations Act):

4 (1) Section 10 of Special Provisions Relating to All
5 Health and Human Services Agencies;

6 (2) Rider 12 to the bill pattern of the appropriations
7 to the Health and Human Services Commission; and

8 (3) Rider 19 to the bill pattern of the appropriations
9 to the Health and Human Services Commission.

10 SECTION 2. HEALTH AND HUMAN SERVICES COMMISSION: CHIP. (a)
11 In addition to amounts previously appropriated for the state fiscal
12 biennium ending August 31, 2013, the amount of \$74,683,623 is
13 appropriated for the state fiscal year ending August 31, 2013, out
14 of general revenue account number 5040, Tobacco Settlement, to the
15 Health and Human Services Commission under Goal C, CHIP Services,
16 as listed in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature,
17 Regular Session, 2011 (the General Appropriations Act), for the
18 purpose of providing services under the CHIP program.

19 (b) In addition to amounts previously appropriated for the
20 state fiscal biennium ending August 31, 2013, the amount of
21 \$187,456,156 is appropriated for the state fiscal year ending
22 August 31, 2013, out of federal funds to the Health and Human
23 Services Commission under Goal C, CHIP Services, as listed in
24 Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular
25 Session, 2011 (the General Appropriations Act), for the purpose of
26 providing services under the CHIP program.

27 SECTION 3. DEPARTMENT OF AGING AND DISABILITY SERVICES:

1 MEDICAID LONG-TERM CARE AND CERTAIN TRANSFERS. (a) In addition to
2 amounts previously appropriated for the state fiscal biennium
3 ending August 31, 2013, the amount of \$1,019,065,242 is
4 appropriated out of the general revenue fund for the state fiscal
5 year ending August 31, 2013, to the Department of Aging and
6 Disability Services under Strategy A.6.1, Nursing Facility
7 Payments, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd
8 Legislature, Regular Session, 2011 (the General Appropriations
9 Act), for the purpose of providing long-term care services under
10 the Medicaid program.

11 (b) In addition to amounts previously appropriated for the
12 state fiscal biennium ending August 31, 2013, the amount of
13 \$1,484,780,561 is appropriated out of federal funds for the state
14 fiscal year ending August 31, 2013, to the Department of Aging and
15 Disability Services under Strategy A.6.1, Nursing Facility
16 Payments, as listed in Chapter 1355 (H.B. 1), Acts of the 82nd
17 Legislature, Regular Session, 2011 (the General Appropriations
18 Act), for the purpose of providing long-term care services under
19 the Medicaid program.

20 (c) Notwithstanding any limitation on transfer among items
21 of appropriation that is prescribed by Chapter 1355 (H.B. 1), Acts
22 of the 82nd Legislature, Regular Session, 2011 (the General
23 Appropriations Act), the Department of Aging and Disability
24 Services for the state fiscal year ending August 31, 2013, may
25 allocate the additional amount appropriated under Subsections (a)
26 and (b) of this section among the following strategies specified in
27 Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular

1 Session, 2011 (the General Appropriations Act), in the
2 appropriations to the department:

- 3 (1) A.2.1, Primary Home Care;
- 4 (2) A.2.2, Community Attendant Services;
- 5 (3) A.2.3, Day Activity and Health Services (DAHS);
- 6 (4) A.3.1, Community-based Alternatives (CBA);
- 7 (5) A.3.2, Home and Community-based Services (HCS);
- 8 (6) A.3.3, Community Living Assistance and Support
9 Services (CLASS);
- 10 (7) A.3.4, Deaf-Blind Multiple Disabilities (DBMD);
- 11 (8) A.3.5, Medically Dependent Children Program
12 (MDCP);
- 13 (9) A.3.7, Texas Home Living Waiver;
- 14 (10) A.5.1, Program of All-Inclusive Care for the
15 Elderly (PACE);
- 16 (11) A.6.1, Nursing Facility Payments;
- 17 (12) A.6.2, Medicare Skilled Nursing Facility;
- 18 (13) A.6.3, Hospice;
- 19 (14) A.6.4, Promoting Independence by Providing
20 Community-based Services;
- 21 (15) A.7.1, Intermediate Care Facilities - for Persons
22 w/ MR (ICF/MR); and
- 23 (16) A.8.1, State Supported Living Centers.

24 SECTION 4. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL
25 PROGRAM. (a) In addition to amounts previously appropriated for
26 the state fiscal biennium ending August 31, 2013, the amount of
27 \$317,000,000 is appropriated out of general revenue account number

1 0193, Foundation School, for the state fiscal year ending August
2 31, 2013, to the Texas Education Agency under Strategy A.1.1, FSP -
3 Equalized Operations, as listed in Chapter 1355 (H.B. 1), Acts of
4 the 82nd Legislature, Regular Session, 2011 (the General
5 Appropriations Act), for the purpose of providing for the
6 Foundation School Program.

7 (b) In addition to amounts previously appropriated for the
8 state fiscal biennium ending August 31, 2013, the amount of
9 \$313,000,000 is appropriated for the state fiscal year ending
10 August 31, 2013, out of Fund 0666, Appropriated Receipts (revenue
11 from school districts subject to recapture), to the Texas Education
12 Agency under Strategy A.1.1, FSP - Equalized Operations, as listed
13 in Chapter 1355 (H.B. 1), Acts of the 82nd Legislature, Regular
14 Session, 2011 (the General Appropriations Act), for the purpose of
15 providing for the Foundation School Program.

16 (c) Notwithstanding Rider 3 to the bill pattern of the
17 appropriations to the Texas Education Agency in Chapter 1355 (H.B.
18 1), Acts of the 82nd Legislature, Regular Session, 2011 (the
19 General Appropriations Act), the sum certain appropriation to the
20 Foundation School Program for the state fiscal year ending August
21 31, 2013, is increased by the amount of \$630,000,000.

22 SECTION 5. TEXAS EDUCATION AGENCY: CERTAIN APPROPRIATIONS.
23 Contingent on the enactment and becoming law of H.B. 1026 or similar
24 legislation of the 83rd Legislature, Regular Session, 2013,
25 relating to the established schedule of payments from the
26 foundation school fund of the yearly entitlement of certain school
27 districts:

1 (1) there is appropriated to the Texas Education
2 Agency from general revenue account number 0193, Foundation School,
3 \$1,750,000,000 for the state fiscal year ending August 31, 2013,
4 for payment of the installment to be paid on or before August 30,
5 2013, as provided by Sections 42.259(c-1) and (d-1), Education
6 Code, as added by that legislation; and

7 (2) notwithstanding Rider 3 to the bill pattern of the
8 appropriations to the Texas Education Agency in Chapter 1355 (H.B.
9 1), Acts of the 82nd Legislature, Regular Session, 2011 (the
10 General Appropriations Act), the sum certain appropriation to the
11 Foundation School Program for the state fiscal year ending August
12 31, 2013, is increased by the amount of \$1,750,000,000 in addition
13 to the amount by which that sum certain appropriation is increased
14 in accordance with Section 4(c) of this Act.

15 SECTION 6. TEXAS PUBLIC FINANCE AUTHORITY: APPROPRIATION
16 REDUCTION. The amounts of the unencumbered appropriations made
17 from the general revenue fund for the state fiscal biennium ending
18 August 31, 2013, to the Texas Public Finance Authority by Chapter
19 1355 (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011
20 (the General Appropriations Act), under Strategy A.2.2, Bond Debt
21 Service Payments, are reduced by \$3,000,000.

22 SECTION 7. EFFECTIVE DATE. This Act takes effect
23 immediately as provided for a general appropriations act under
24 Section 39, Article III, Texas Constitution.

President of the Senate

Speaker of the House

I certify that H.B. No. 10 was passed by the House on February 21, 2013, by the following vote: Yeas 148, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 10 on March 12, 2013, by the following vote: Yeas 148, Nays 0, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Chief Clerk of the House

I certify that H.B. No. 10 was passed by the Senate on March 5, 2013, by the following vote: Yeas 30, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Secretary of the Senate

I certify that the amounts appropriated in the herein H.B. No. 10, Regular Session of the 83rd Legislature, are within amounts estimated to be available in the affected fund.

Certified _____

Comptroller of Public Accounts

APPROVED: _____

Date

Governor